

Amendment No. 1 to HB0904

Curcio
Signature of Sponsor

AMEND Senate Bill No. 283*

House Bill No. 904

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following as a new section:

40-17-102.

(a) If a district attorney general is required to disclose to the defendant information including the name, contact information, or statements of a victim of a sexual offense under title 39, chapter 13, part 5; law enforcement informant, or witness who is expected to testify against a defendant charged with a crime involving a weapon or the use of force, then the district attorney general may petition the court for a protective order prohibiting the defendant and the defendant's counsel from publishing the victim, informant, or witness's name, contact information, or statements at any time prior to or during the trial. The petition must:

(1) Be certified or supported by an affidavit of the victim, informant, or witness;

(2) Identify the specific information that should be subject to prohibition from publication; and

(3) Show good cause for issuing the protective order, which may include that allowing the defendant to publish the information is likely to result in coercion, intimidation, or harassment designed to discourage the victim, informant, or witness from testifying at trial or appearing as a witness.

(b) If, after reviewing the petition, the court finds there is good cause for prohibiting the publishing of the information, then the court shall issue the protective order expressly limiting the publication of the victim, informant, or witness's information at any time prior to or during the trial.

(c) This section does not restrict the right of a defendant or defendant's counsel to conduct an investigation or interviews to be used at trial.

(d) A person who knowingly violates a protective order issued pursuant to this section commits a Class E felony.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.